

Message Text

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TO AMEMBASSY TOKYO IMMEDIATE

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AMEMBASSY BONN IMMEDIATE

AMEMBASSY OTTAWA IMMEDIATE

C O N F I D E N T I A L STATE 177215

EXDIS

E.O. 11652: GDS

TAGS: EINV, PFOR, PGOV, UN, ECOSOC

SUBJECT: ECOSOC: U.S. PROPOSAL FOR INTERNATIONAL AGREEMENT
ON ILLICIT PAYMENTS

REFS: (A) TOKYO 10776; (B) STATE 176665

1. REQUEST YOU SEEK URGENT APPOINTMENT WITH SENIOR GOJ

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OFFICIALS TO EXPRESS CONCERN AT DEVELOPMENT REPORTED

REFTEL. YOU SHOULD INDICATE OUR KEEN DISAPPOINTMENT THAT GOJ CANNOT CO-SPONSOR U.S. RESOLUTION IN LIGHT OF FORD-MIKI CORRESPONDENCE ON THIS MATTER, CLOSE COOPERATION OF USG AND JAPAN ON SENSITIVE BRIBERY PROBLEM, AND PRIOR ASSURANCES WE HAVE RECEIVED THAT GOJ WOULD SUPPORT U.S. INITIATIVE. DRAWING ON REFTEL B YOU SHOULD SPELL OUT U.S. OBJECTIONS TO FRG PROPOSAL AND U.S. INTENTION TO RESIST IT.

2. YOU SHOULD ALSO NOTE USG VIEW THAT SUPPORT OF FRG PROPOSAL WILL BE PERCEIVED AS OPPOSITION TO U.S. DRAFT RESOLUTION AND OPPOSITION TO EFFECTIVE INTERNATIONAL ACTION ON BRIBERY.

3. IN RESPECT OF SPECIFIC JAPANESE CONCERNS YOU SHOULD NOTE THAT CURRENT U.S. LAW DOES NOT PENALIZE FOREIGN BRIBERY AND THAT THE ADMINISTRATION HAD MADE NO DECISION WHETHER TO SUPPORT SUCH LEGISLATION ALTHOUGH WE DO NOT EXCLUDE IT IN CONTEXT OF A BROAD-BASED INTERNATIONAL AGREEMENT. WE ARE NOT CLEAR WHAT GOJ REFERS TO AS "COMMERCIAL SECRETS PROPOSAL." IN ANY EVENT THE U.S. RESOLUTION IS PROCEDURAL AND DOES NOT PREJUDGE THE SUBSTANTIVE CONTENT OF INTERNATIONAL AGREEMENT. FINALLY, YOU MIGHT ASK WHETHER THE GOJ CONSIDERS THAT THE MTN WOULD BE A BETTER FORUM THAN ECOSOC, FOR NEGOTIATING BINDING AGREEMENT ON ILLICIT PAYMENTS. YOU MIGHT NOTE THAT USG SERIOUSLY INTENDS TO PURSUE THIS ISSUE IN MULTILATERAL FORA OR BILATERALLY AS NECESSARY TO GET RESULTS.

4. PLEASE ADVISE GOJ THAT THE NETHERLANDS AND ITALY HAVE AGREED TO CO-SPONSOR U.S. RESOLUTION. NORWAY AND CANADA WILL CO-SPONSOR IF THERE IS BROAD SUPPORT. THE U.K. AND GREECE WILL SUPPORT AND PERHAPS CO-SPONSOR. SWEDEN (AN OBSERVER) SUPPORTS THE U.S. AMONG LDC'S, BOLIVIA AND ECUADOR HAVE STATED THAT THEY WILL CO-SPONSOR AND JORDAN, COLOMBIA, VENEZUELA, ARGENTINA, ZAIRE, TOGO, PAKISTAN AND YUGOSLAVIA SUPPORT U.S. AND (EXCEPT FOR YUGOSLAVIA) MAY CO-SPONSOR. IRAN AND OTHERS ARE CONSIDERING CO-SPONSORSHIP AND ARE VERY SYMPATHETIC
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TO U.S. PROPOSAL. HABIB

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